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Honorable Gregg W. Zive  
United States Bankruptcy Judge



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Entered on Docket  
June 06, 2017

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10 NICHOLAS STROZZA, ASSISTANT U.S. TRUSTEE

11 State Bar #CA 117234  
12 WILLIAM B. COSSITT, #3484  
13 Office of the United States Trustee  
14 300 Booth Street, Room 3009  
15 Reno NV 89509  
16 Telephone: (775) 784-5335  
17 Fax: (775) 784-5531  
[Nick.Strozza@usdoj.gov](mailto:Nick.Strozza@usdoj.gov)  
[Bill.Cossitt@usdoj.gov](mailto:Bill.Cossitt@usdoj.gov)

18 Attorneys for United States Trustee  
19 Tracy Hope Davis

20 UNITED STATES BANKRUPTCY COURT

21 DISTRICT OF NEVADA

22 In re ) Case no: BK-N-16-51281-GWZ  
23 CAL NEVA LODGE, LLC, ) Chapter 11  
24 )  
25 ) ORDER DENYING WITHOUT  
26 ) PREJUDICE THE US TRUSTEE'S  
27 ) MOTION TO DISMISS CASE  
28 )  
Debtor. ) Hearing Date: June 1, 2017  
          ) Hearing Time: 1:00 p.m.  
          )

Tracy Hope Davis, the United States Trustee for Region 17 ("US Trustee"), by and through her undersigned counsel, filed her Motion To Dismiss Case ("Motion", Docket #163), based upon the Debtor's substantial or continuing losses and the unlikelihood of rehabilitation.

1 11 U.S.C. § 1112(b)(4)(A). Oppositions to the Motion were filed by the Debtor, Docket #'s 234  
2 and 235, and Ladera Development, LLC, Docket #'s 201 and 240. The Motion was properly  
3 noticed and came on for hearing at the above stated date and time, after several continuances.  
4 William B. Cossitt, Esq. appeared for the US Trustee. David M. Poitras, P.C. and Jeffrey L.  
5 Hartman, Esq. appeared for the Debtor. Jason E. Rios, Esq., appeared for Ladera Development,  
6 LLC. Other appearances were noted on the record. All parties waived signature for this Order,  
7 pursuant to Local Rule.

9 The Court having read the pleadings, listened to testimony and the arguments of the  
10 parties, having reviewed its previous notes and findings from previous hearings and having put  
11 its findings of fact and conclusions of law on the record in open court, including the  
12 incorporation of earlier findings and conclusions from earlier hearings, pursuant to Federal Rule  
13 of Civil Procedure 52 made applicable by Federal Rule of Bankruptcy Procedure 7052, and good  
14 cause appearing;

16 IT IS HEREBY ORDERED that the Motion is DENIED without prejudice.

17 Respectfully submitted,  
18  
19 Nicholas Strozza  
State Bar # CA 117234  
20 William B. Cossitt  
State Bar #3484  
21 300 Booth Street, #3009  
Reno NV 89509  
22 (775) 784-5335

23 /s/ WILLIAM B. COSSITT

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25 Attorneys for United States Trustee  
Tracy Hope Davis

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## CERTIFICATE OF SERVICE

In accordance with LR 9021(c), an attorney submitting this document certifies as follows:

The court has waived the requirement set forth in LR 9021(b)(1).

No party appeared at the hearing or filed an objection to the motion.

I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order.

DATED this 2nd day of June, 2016.

WILLIAM B. COSSITT

/S/ WILLIAM B. COSSITT  
TRIAL ATTORNEY for the  
United States Trustee  
Tracy Hope Davis